

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE)
LITIGATION)
_____)

MDL No. 1456

CIVIL ACTION: 01-CV-12257PBS

THIS DOCUMENT RELATES TO)
01-CV-12257-PBS AND 01-CV-339)
_____)

Judge Patti B. Saris

Chief Magistrate Judge Marian B. Bowler

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2) TO ACCOMPANY
DEFENDANT SICOR INC. AND SICOR PHARMACEUTICALS, INC.'S PREVIOUSLY
FILED MOTION FOR LEAVE TO FILE REPLY TO PLAINTIFF'S RESPONSE
TO SICOR'S MOTION FOR PROTECTIVE ORDER**

Pursuant to Local Rules 7.1(a)(2) and 7.1(b)(3), Defendants Sicor, Inc. and Sicor Pharmaceuticals, Inc. (collectively, "Sicor") move for leave to have the Court accept Defendant Sicor's Reply to Plaintiffs' Response to Motion for Protective Order ("Motion for Leave to File Reply") filed on July 6, 2005.

Plaintiffs filed their Memorandum in Opposition to Sicor's Motion for Protective Order ("Opposition") on June 28, 2005. In their Opposition, Plaintiffs mischaracterize the legal framework governing a party's duty to preserve records and information in litigation as well as the factual basis supporting Sicor's Motion for Protective Order.

Sicor's Certificate of Compliance was inadvertently omitted from its Motion for Leave to File Reply. As soon as this was brought to the attention of counsel for Sicor, undersigned counsel sought to correct the error.

In accordance with Local Rule 7.1(a)(2), undersigned counsel states as follows: I hereby certify that counsel for Sicor has attempted to confer in good faith with counsel for plaintiffs. Counsel for plaintiffs does not oppose the filing of Sicor's Motion for Leave to File Reply.

Dated: July 11, 2005

Respectfully submitted:



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-- and--

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*Counsel for Defendants Sicor, Inc. and Sicor
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CERTIFICATE OF SERVICE

I, Elizabeth I. Hack, an attorney, hereby certify that on July 11, 2005, I caused a true and correct copy of the foregoing Defendant Sicor Inc. and Sicor Pharmaceuticals, Inc.'s Certificate of Compliance with Local Rule 7.1(a)(2) to Accompany Its Previously Filed Motion for Leave to File a Reply to Plaintiffs' Response to Sicor's Motion for Protective Order to be served on all counsel of record electronically via Verilaw Technologies, pursuant to Section D of Case Management Order No. 2.



ELIZABETH I. HACK